

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

DEAN OTTOWAY,

Plaintiff,

Civil Action No. 5:08-CV-0057

vs.

UNITED STATES OF AMERICA,

Defendant.

Z APPEARANCES:

Rawls, McNelis Law Firm
1111 East Main Street
Suite 1701
Richmond, VA 23219
Attorney for Plaintiff

OF COUNSEL:

John D. McChesney, Esq.

Office of the United States Attorney
100 South Clinton Street
Syracuse, NY 13261
Attorney for Defendant

William F. Larkin, Esq.
Assistant United States Attorney

Norman A. Mordue, Chief Judge U.S. District Judge

**JUDGMENT DISMISSING ACTION
BASED UPON SETTLEMENT**

M The pursuant to the report of the mediator (Dkt. No. 22) , the parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED that the above-captioned case is hereby **DISMISSED** in its entirety **without**

prejudice to re-opening upon the motion within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated; and it further

ORDERED that the dismissal of the above-captioned case shall become **with prejudice** on the thirty-first day after the date of the filing of this order unless a party moves to re-open this case within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated.

IT IS SO ORDERED

Date: February 10, 2009



Norman A. Mordue
Chief United States District Court Judge

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